

REMARKS

Reconsideration and allowance of the instant application are respectfully requested. Claims 28, 30, 45 and 47 have been amended. Claims 57-68 have been added. Claim 43 stands allowed, and claims 11, 12-17, 19-21, 35, 47 and 52 are objected to for being dependent on a rejected base claim. Claims 1-68 thus remain pending after entry of the present amendment. No new matter has been added.

Claim Rejections

Claims 1-10, 18, 22-34, 36-42, 44-46, 48-51 and 53-56 stand rejected as being anticipated by Armstrong *et al.* (U.S. Pat. No. 5,729,219) (hereinafter "Armstrong"). These rejections are respectfully traversed for the following reasons.

Claim 1 recites, *inter alia*, "a first linear input device affixed along a first side of the display screen..." Armstrong fails to teach or even suggest a linear input device affixed along a side of the display screen. At best, Armstrong discloses a touchpad and a display screen located on opposing faces of the selective radio housing. See FIG. 5. Armstrong further admits that this particular arrangement is advantageous and has "unforeseen benefits," thus teaching away from modifying the Armstrong device as taught by the present invention. Col. 3, ll. 48-52. As discussed in the specification and illustrated in FIG. 1, the linear input devices of claim 1, however, are located on the sides of the display screen (i.e., left, right, below, etc...). Specification, p. 4, ¶ 21. The Examiner refers to elements 24, 34 and 54 as anticipating the linear input devices of claim 1. However, elements 24 and 34 refer to a menu title bar and a pulldown menu, respectively, displayed on a non-touch sensitive display screen. Col. 3, ll. 30-35; Col. 3, ll. 62-67. Neither a menu title bar nor a pulldown menu displayed on a screen constitutes a linear input device affixed along a first side of the display screen as described in claim 1. A linear input device may translate a user's physical movements (i.e. hand or finger movements) into control signals for manipulating a display screen. Specification, p. 4, ¶ 23. A menu title bar does not comprise such a function. In addition, Examiner cites element 54, a button, as also anticipating the linear input devices of claim 1. However, a user is not able to input linear controls through a button. Whereas the linear input device of the present invention

detects direction and position of input (Specification, p. 4, ¶ 23), the Armstrong button is only capable of an activated or deactivated state. Claim 1 is thus allowable over Armstrong.

Claims 2-4, 7-10 and 22-24 are dependent on claim 1 and are thus allowable for at least the same reasons as claim 1.

In further regard to claim 7, Armstrong does not teach or suggest “each input device comprises a touch-sensitive input device.” As discussed with respect to claim 1, Armstrong does not teach a first, second or third linear input device affixed along a side of the display screen. Logically, Armstrong, therefore, also does not teach a first, second or third linear input device affixed along a side of the display screen *comprising a touch-sensitive input device*. The Examiner, again, cites elements 24 and 34 as “selectable icons” that anticipate the touch-sensitive linear input devices of the present invention. Not only are the menu bars not comparable to linear input devices but they additionally lack a *touch-sensitive* component. Nowhere does Armstrong teach that the menu title bar 24 or pulldown menu 34 are themselves, touch-sensitive or even a linear input device. At most, Armstrong discloses a touch-sensitive touchpad which is required to select and trigger the menu functions shown on the display screen on the *opposite side* of the device. Col. 3, ll. 43-67. Therefore, claim 7 is allowable for this additional reason.

Amended independent claim 28 recites, *inter alia*, “detecting movement over a first touch-sensitive input sensor area...wherein the first touch-sensitive input area is resistant to sound interference, said first touch-sensitive input area comprising a touchpad.” Armstrong does not teach or suggest a first touch-sensitive input area comprising a touchpad that is resistant to sound interference. At most, Armstrong discloses a touch-sensitive touchpad area. Col. 3, ll. 22-26. However, Armstrong makes no mention that the touchpad is resistant to sound interference or identify any such interference that would suggest such resistance is necessary. At most, Armstrong suggests using an audible alert to signal the user that a message has been received. Col. 2, ll. 55-57. This is not at all similar to a planar input device or sensor area that is sufficiently thick and rigid to resist change as sound waves are emitted from a speaker. Specification, p. 6, ¶ 26. Therefore, claim 28 is allowable for at least this reason.

Claims 32, 33 and 36-39 are dependent on claim 28 and are thus allowable for at least the same reasons as claim 28.

Amended claim 30 recites, *inter alia*, "detecting movement over a first touch-sensitive input sensor area...wherein the first touch-sensitive input area comprises a first linear input device for receiving horizontal input and a second linear input device for receiving vertical input." Armstrong does not teach or suggest a first and second linear input device much less a first linear input device for receiving horizontal input and a second linear input device for receiving vertical input. At most, Armstrong discloses a touchpad on the back face of the portable device. It still does not constitute a first and second linear input device. Claim 30 is thus allowable for at least this reason.

Claims 57-62 are dependent on claim 30 and are thus allowable for at least the same reasons as claim 30.

Amended independent claim 45 recites, *inter alia*, "detecting movement over a first touch-sensitive input sensor area...wherein the first touch-sensitive input area is resistant to sound interference, said first touch-sensitive input area comprising a touchpad." As with claim 28, Armstrong does not teach or suggest a first-touch-sensitive input area comprising a touchpad that is resistant to sound interference. Claim 45 is thus allowable for at least this reason.

Claims 49-51 and 53-56 are dependent on claim 45 and are thus allowable for at least the same reasons as claim 45.

Amended claim 47, originally objected to by the examiner, has been rewritten in independent form including all of the limitations of the base claim and any intervening claims per the Examiner's instructions. Therefore, claim 47 is believed to be in condition for allowance.

Claims 63-68 are dependent on claim 47 and are thus allowable for at least the same reasons as claim 47.

Moreover, Applicants respectfully submit that claim 51 was erroneously rejected under §102 since its base claim, 50, was rejected under §103. Applicants request that the Examiner withdraw the §102 rejection of claim 51.

Claims 5, 6, 18, 25-27, 32-34, 36-39, 40-42, 44, 49, 50 and 56 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Armstrong in view of Kung et al. (U.S. Patent No.

6,570,583) (hereinafter "Kung"). These rejections are respectfully traversed for the following reasons.

Even in combination, Kung and Armstrong do not cure the deficiencies of Armstrong outlined above. For example and with respect to claim 1, neither Armstrong nor Kung teaches or even suggests first, second and third linear input devices affixed along a first, second and third side of the display screen, respectively. At most, Kung teaches implementing several buttons (*see* FIG 3, elements 41, 43, 45, 47) and a single zoom device (*see* FIG. 3, element 48), all placed in the same area designated "input panel." Col. 3, ll. 11-23. Therefore, claims 5, 6, 18, 25-27 are allowable for at least the same reasons as claim 1.

Additionally, claim 28 recites, *inter alia*, "detecting movement over a first touch-sensitive input sensor area other than an area through which the display screen is visible, wherein the first touch-sensitive input sensor area is resistant to sound interference, said first touch-sensitive input sensor area comprising a touchpad." However, Kung fails to teach or even suggest a touch-sensitive input sensor area resistant to sound interference. At most, Kung discloses providing speaker holes in the casing, away from any input devices. *See generally* FIG. 3; *see also* FIG. 8. Therefore, claims 32, 33 and 36-39 are allowable for at least the same reasons as claim 28.

With respect to claim 45, Kung fails to teach or even suggest a first touch-sensitive input sensor area that is resistant to sound interference. As with claim 28, Kung merely teaches holes in the casing through which sound may pass. Therefore, claims 49, 50 and 56 are allowable for the same reason as claim 45.

In addition with respect to claim 27, neither Kung nor Armstrong teach or suggest "a touch-sensitive planar input device used in conjunction with and extending beyond a displayable area of the display screen, and wherein at least one of the first, second, and third linear input devices comprise a region of the touch-sensitive planar input device." While Kung and Armstrong may disclose that the displayable area of the portable device may be touch-sensitive, neither teaches or even suggests extending the touch-sensitive input device *beyond the displayable area* to form a first, second and third linear input device. As such, claim 27 is allowable for this additional reason.

not in claims
Claim 40 recites, *inter alia*, "a planar input device covering a first face of the casing, wherein the planar input device comprises at least one hole through which sound emitted from the speaker passes." While Kung may disclose holes in the casing through which a speaker may emit sound (*see* FIG. 2), it does not teach or even suggest a *planar input device* comprising at least one hole through which sound emitted from the speaker passes. The present invention teaches puncturing or piercing holes in a planar input device having sound resistance properties so that a speaker may be located inside the portable device behind the planar input device. Specification, p. 6, ¶ 28. Neither Kung nor Armstrong teach or suggest such a limitation. Claim 40 is thus allowable for at least this reason.

Claims 41 and 42 are dependent on claim 40 and are thus allowable for at least the same reasons as claim 40.

Claim 44 recites, *inter alia*, "(ii) identifying a horizontal position on the display screen responsive to input received through a second linear input device; (iii) identifying a vertical position on the display screen responsive to input received through a third linear input device..." In addition to lacking a second and third input device, Kung also does not teach identifying a horizontal and vertical position on the display screen in response to input received through a second and third linear input device, respectively. At best, Kung teaches using the up and down buttons 41 and 43 to move a cursor up and down a single line of information. Col. 3, ll. 26-39. As discussed above, buttons do not constitute linear input devices. Additionally, both Kung and Armstrong fail to teach or even suggest identifying a horizontal position on the display screen responsive to input received through a second linear input device. Therefore, claim 44 is allowable for at least this reason.

Additionally, Applicants respectfully submit that claims 24 and 26 have been erroneously rejected. Claims 24 and 26 are dependent on base claim 11, which the Office Action indicates as allowable subject matter. As such, both claims 24 and 26 are allowable for this additional reason.

IDS
The Examiner also failed to initial a submitted reference (U.S. Patent No. 6,031,518) in the IDS submitted by the Applicant. Applicant respectfully asks that the Examiner correct this error or provide clarification as to the reason the reference was not initialed.

It is believed that no extension of time fee is required for this submission. If any extensions of time or additional claim fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

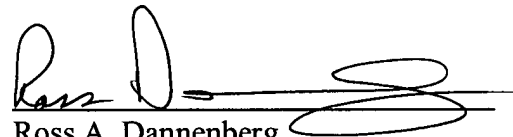
All rejections having been addressed, applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. If there are any questions, the examiner is invited to contact applicants' undersigned representative at the number noted below.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated: May 10, 2004

By:

A handwritten signature in black ink, appearing to read "Ross A. Dannenberg", written over a horizontal line.

Ross A. Dannenberg
Registration No. 49,024

1001 G Street, N.W.
Washington, D.C. 20001-4597
Tel: (202) 824-3000
Fax: (202) 824-3001